

House Bill 415 (AS PASSED HOUSE AND SENATE)

By: Representative Floyd of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Crisp County and to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualification, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for certain expenditures of public funds; to
7 provide for compensation of members of the board and personnel; to provide for offices and
8 equipment; to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide effective dates; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Crisp County, hereinafter referred to as "the board."
15 The board shall have the powers, duties, and responsibilities of the judge of the probate court
16 of Crisp County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"
17 and the powers, duties, and responsibilities of the board of registrars of Crisp County under
18 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

19 **SECTION 2.**

20 The terms "election," "elector," "political party," "primary," and "public office" shall have
21 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
22 Code," unless otherwise clearly apparent from the text of this Act, and the term
23 "commissioners" means the Board of Commissioners of Crisp County and "county" means
24 Crisp County.

SECTION 3.

(a) The board shall be composed of a chairperson and four members who shall be appointed as provided in this section.

(b) One member of the board shall be selected by the governing authority of Crisp County to serve as chairperson of the board who shall serve as such during his or her term of office.

(c) One member of the board shall be appointed by the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. One member of the board shall be appointed by the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Each of these respective members appointed by political parties shall be nominated by the party chairperson and ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. In the event that a political party entitled to appoint a member of the board does not have a county executive committee, such appointment shall be made by the state executive committee of such political party.

(d) Two members of the board shall be nominated by the grand jury of Crisp County and appointed by the chief judge of the Superior Court of Crisp County.

(e) All appointments to the board shall be promptly certified by the governing authority of Crisp County to the clerk of the Superior Court of Crisp County.

(f) In making the initial appointments to the board, the members shall be appointed by the respective appointing authorities not later than June 1, 2005. The governing authority shall designate two of the initial appointees to serve terms beginning on July 1, 2005, and ending on June 30, 2007, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning July 1, 2007, and until their successors are duly appointed and qualified. The initial chairperson and the other initial appointees shall serve terms beginning on July 1, 2005, and ending on June 30, 2009, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning July 1, 2009, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Crisp County and must have been registered voters in Crisp County for a period of at least one year prior to the date of their appointment to the board.

SECTION 5.

The governing authority of Crisp County shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court not later than 15 days preceding the date upon which each member is to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve two full four-year terms of office, shall have the right to resign at any time by giving written notice of such resignation to the governing authority of Crisp County and to the clerk of the superior court, and shall be subject to removal from the board by the governing authority of Crisp County at any time, for cause, after notice and hearing.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the governing authority shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any two members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

SECTION 10.

The board shall have the authority to contract with any municipality located within Crisp County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

(a) The governing authority of Crisp County shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall not be a member of the board. The election supervisor shall be considered an employee of Crisp County and shall be entitled to the same benefits as other employees of Crisp County.

(b) The governing authority of Crisp County is authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of Crisp County and shall be entitled to the same benefits as other employees of Crisp County.

SECTION 12.

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Crisp County. Such compensation shall be paid wholly from county funds.

SECTION 13.

The governing authority of Crisp County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the governing authority of Crisp County deems appropriate.

SECTION 14.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2005. Upon this Act becoming fully effective, the superintendent of elections of Crisp County and the board of registrars of Crisp County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

All laws and parts of laws in conflict with this Act are repealed.